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Attorney Docket **P1245R1P2BC1**
PATENT

EV 351 928 530 US: Express Mail Number

September 11, 2003: Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

03940 U.S. PTO
10/660128
09/11/03

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Avi Ashkenazi, San Mateo, California
Anan Chuntharapai, Colma, California
Kelly Dodge, San Mateo, California
Kyung Jin Kim, Los Altos, California

Title: **DR4 Antibodies and Uses Thereof**

1. Type of Application

- ☐ This application is for an original, non-provisional application.
- ☐ This is a non-provisional application claiming priority to provisional application no. __, filed __, the entire disclosure of which is hereby incorporated by reference.
- ☒ This is a ☐ continuation-in-part ☒ continuation ☐ divisional application claiming priority to application Serial Number 09/584,166, filed May 25, 2000, the entire disclosure of which is hereby incorporated by reference.

**2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b)
(Non-provisional)**

90 pages of specification
3 pages of claims
1 page of abstract
30 sheet(s) of drawings
☐ formal ☒ informal

3. Declaration or Oath

(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)
___ An executed declaration of the inventor(s) ☐ is enclosed ☐ will follow.

(for Cont./Div. where inventorship is the same or inventor(s) being deleted)

 X A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

(for Cont./Div. where inventor(s) being deleted)

 A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. Assignment

(for new and CIP applications)

 An Assignment of the invention to GENENTECH, INC. [] is enclosed with attached Recordation Form Cover Sheet [] will follow.

(for cont./div.)

 X The prior application is assigned of record to Genentech, Inc.

5. Amendments (for continuation and divisional applications)

 Cancel in this application original claims __ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

 A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

6. Fee Calculation (37 CFR 1.16)

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$750.00
Total Claims	37	- 20 =	17	X \$18.00	\$306.00
Independent Claims	18	- 3 =	15	X \$84.00	\$1,170.00
Multiple dependent claim(s), if any				+ \$280.00	\$0.00
Filing Fee Calculation					\$2,226.00

7. Method of Payment of Fees

 X The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$2,226.00. **A duplicate copy of this transmittal is enclosed.**

8. Authorization to Charge Additional Fees

 x The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this transmittal is enclosed.**

9. Additional Papers Enclosed

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- ☐ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- ☐ A new Power of Attorney or authorization of agent.
- ☐ Other:

10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)

*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

- X A petition, fee and/or response has been filed to extend the term in the pending prior application until September 11, 2003
- X A copy of the petition for extension of time in the **prior** application is attached.


11. Correspondence Address:

X Address all future communications to:

Attn: Diane L. Marschang
Customer No: 09157

Respectfully submitted,
GENENTECH, INC.

Date: September 11, 2003

By: 
Diane L. Marschang
Reg. No. 35,600
Telephone No. (650) 225-5416

CUSTOMER NO: 09157

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of</p> <p>Avi Ashkenazi et al.</p> <p>Serial No.: 09/584,166</p> <p>Filed: 25 May 2000</p>	<p>Group Art Unit: 1646</p> <p>Examiner: C. Kaufman</p> <p>Confirmation No: 9848</p> <p>CUSTOMER NO: 09157</p>
<p>For: DR4 Antibodies and Uses Thereof</p>	<p style="text-align: center;">CERTIFICATE OF EXPRESS MAILING</p> <p>Express Mail Number: <u>EV 351 928 543 US</u></p> <p><small>I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450".</small></p> <p style="text-align: right;">September <u>11</u>, 2003</p> <p style="text-align: right;"><i>Diane L. Marschang</i></p> <p style="text-align: right;">Diane L. Marschang</p>

PETITION AND FEE FOR THREE MONTH EXTENSION OF TIME
(37 CFR 1.136(a))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant petitions the Commissioner of Patents and Trademarks to extend the time for response to the Office Action dated March 11, 2003 for three (3) months from June 11, 2003 to September 11, 2003. The extended time for response does not exceed the statutory period.

This extension of time request is being filed concurrently with Applicants' Rule 53(b) continuation application.

Please charge Deposit Account No. 07-0630 in the amount of \$930 to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to this deposit account. A duplicate of this sheet is enclosed.

Respectfully submitted,

GENENTECH, INC.

Date: September 11, 2003

By: *Diane L. Marschang*
Diane L. Marschang
Reg. No. 35,600
Telephone No. (650) 225-5416